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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named  
Inventor :

Mark G. Romo et al.

Appln. No.: 10/784,107

Filed : February 20, 2004

For : COMPENSATED VARIABLE OPTICAL  
ATTENUATOR

Docket No.: R11.12-0837

Group Art Unit: 2874

Examiner: Song

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS  
PAPER IS BEING SENT BY U.S. MAIL,  
FIRST CLASS, TO THE  
COMMISSIONER FOR PATENTS, P.O.  
BOX 1450, ALEXANDRIA, VA 22313-  
1450, THIS

6<sup>th</sup>  
DAY OF November,  
2006.

  
PATENT ATTORNEY

Sir:

11/09/2006 TBESHAH1 00000006 10704107

02 FC:1251

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed July 27, 2006, finally rejecting claims 1-25 and 37-39.

**FEE STATUS**

[ ] Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

**FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

[X] other than a small entity \$500.00

[ ] small entity \$250.00

**EXTENSION OF TIME**

11/09/2006 TBESHAH1 00000006 10704107

500.00 OP

01 FC:1401

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) [X] Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-  
(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for One month has already been secured and the fee paid therefor of \$120 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$120.00

or

(b) ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$500.00

Extension fee (if any) \$120.00

**Total Fee Due \$620.00**

#### **FEE PAYMENT**

☒ A check in the amount of \$620.00 is attached.

☐ Charge Deposit Account No. 23-1123, the sum of \$.

The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123. A duplicate copy of this communication is enclosed.

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Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

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CRC:sew